September 3, 2008 emailed to Joyce Woodhouse, Nevada Legislature

SUPPLEMENTAL TO THE BEST INTEREST OF THE CHILDREN STANDARD

VICTORIA contends that an exception to the mootness doctrine is that the public-interest exception allows appellate review of an issue of considerable public importance if that issue is capable of repetition between either the same parties or other members of the public, for some reason evades appellate review. VICTORIA argues that in 2005, the Family Law Section of the State Bar of Nevada filed amicus curiae briefs for the Court's participation in the determination of joint physical custody in the case of Potter v. Potter, 121 Nev. 613, 119 P.3d 1246. The Family Law Section requested that the Court address the following with regard to joint physical custody:

1.) the definition of joint physical custody;
2.) whether joint physical custody for the purposes of NRS 125C.200 has to be equal;
3.) whether a specific time share constitutes joint physical custody, and
4.) whether joint physical custody is defined by the courts or by the parties.

VICTORIA further contends that on June 20, 2007, the Nevada Supreme Court in Ellis v. Carucci, 123 Nev. Adv. Op.No. 18 overruled Murphy, where it concluded that "change of custody is warranted only when: 1.) the

circumstances of the parents have been materially altered; and 2.) the child's welfare would be substantially enhanced by the change." The Court "overruled Murphy to the extent that it required a change in the circumstances of the parents alone without regard to a change in the circumstances of the child or the family unit as a whole. It also concluded that "the modification serves Geena's best interest by allowing her father more time to be involved in her education." VICTORIA contends that in this case the court granted Carucci's motion to modify primary physical custody and determined that joint physical custody was in the child's best interest. VICTORIA challenges the Court's determination that "joint physical custody" was in the child's best interest because the Court by this time, 2007, still had not yet defined the term "joint custody" and it violated the parties' procedural due process rights in that it failed to give notice nor the opportunity to be heard pursuant to NRS 125.490 which states in pertinent part:

> 1. There is a presumption, affecting the burden of proof that joint custody would be in the best interest of a minor child if the parents have agreed to an award of joint custody or so agree in open court at a hearing for the purpose of determining the custody of the minor child or children of the marriage.
> 2. The court may award joint legal custody without awarding joint physical custody in a case where the parents have agreed to joint legal custody.
> 3. For assistance in making a determination whether an award of joint custody is appropriate, the court *may* direct that an investigation be conducted.

VICTORIA also contends that an exception to the mootness doctrine is fraud upon the Court. ATTORNEY DUCKWORTH'S fraud upon the court is when he sought to structure the style of his motions in such a way so as to avoid this Court making an evaluation on its own unique facts and determination of a change of custody on a ***case by case basis***. Felix v. State, 109 Nev. 151, 173, 849 P.2d 220, 235 (1993). VICTORIA argues that this Court deliberately failed to determine a change of custody on a case by case basis when, on *April 26, 2005*, it issued the previous Order:

> *Regarding Defendant's request regarding Order Shortening Times, Court Noted, OST'S are considered on a* ***case by case, issue by issue basis****. Defendant received one judicial days' notice and the Court Finds that the OST was properly issued."*

VICTORIA argues that the newly discovered evidence is that Judge Sanchez willfully commits misconduct and abuses its discretion when it favors ATTORNEY DUCKWORTH and allows him to further abuse the process by allowing him to file a *contaminated* Motion for a Change of Custody of Marco when he violated EDCR 5.12(a) and fraudulently combine it with filing a second Motion for a change of Custody of Sarah. VICTORIA further argues that Judge Sanchez commits willful misconduct when she first fails to independently resolve the 1st change of custody proceedings of Marco on its *own unique merits* before proceeding to deliberate and resolve the 2nd change of custody proceedings of Sarah on its own unique merits. VICTORIA further argues that this Court abuses its

discretion since the Nevada District Court has previously recognized that the basic underlying policy is to have each case decided on its merits and as such, its determinations must be set aside. Tahoe Village Realty v. DeSmet, 95 Nev. 131, 134, 590 P.2d 1158, 1161 (1979). VICTORIA further contends that Nevada judicial policy favors a decision on the merits and heightens in domestic relations matters. Dagher v. Dagher, 103 Nev. 26, 28, 731 P.21 1329, 1330 (1987).

VICTORIA contends that because Judge Sanchez failed to make separate Findings of Fact and Conclusions of Law on the merits in the 1st change of custody proceedings of Marco, that ATTORNEY DUCKWORTH'S second Motion to Modify Custody of Sarah filed on *July 19, 2005* must fail and is also void. VICTORIA further contends that generally the Court recognize that acts made in violation of statutory authority are void, Ham v. District Court, 93 Nev. 409, 416, 566 P.2d 420, 424 (1977). Here, the Court did not provide VICTORIA with the opportunity to be heard independently after ATTORNEY DUCKWORTH filed Findings of Fact and Conclusions of Law on the 1st change of custody proceedings of Marco. VICTORIA contends that this is particularly troubling given that this Court made *combined* Findings of Fact and Conclusions of Law based on contaminated change of custody proceedings of Marco, that VICTORIA reasons that she would have prevailed also on the 2nd change of custody proceedings of Sarah solely on Dr. Mortiliaro's written evaluation of the parties.
VICTORIA contends that the Courts have recognized that fraud occurs when a party makes a false representation,

knowing it to be false, with the intent to deceive another, and the other relies on the representation, with resulting damage. Moreover, this Court prejudiced and deprived VICTORIA the opportunity to challenge CHARLES' statements that he was living with the children at the Country Club Towers, and denied her bringing forth evidence of the only psychiatrist who was Court Ordered to evaluate the parties before the evidentiary hearing. Instead, ATTORNEY DUCKWORTH'S gross negligence, bad faith, and willful misconduct in contacting, citing and quoting directly from (2) psychiatrists not previously ordered by this Court went totally against Dr. Mortillaro's evaluation that these children were not to live alone without supervision. VICTORIA further argues that ATTORNEY DUCKWORTH'S misconduct to use two psychiatrists' evaluations not previously ordered by this Court combined with his failure to present Dr. Mortillaro as a trial witness does not excuse ATTORNEY DUCKWORTH'S gross negligence since his client has the burden to show a change in substantial circumstances. VICTORIA contends that this alone constitutes error and misconduct on Judge Sanchez' part.

The evaluation reports ATTORNEY DUCKWORTH fraudulently presented relating to MARCO did not shed light on any plan or guidelines to help Marco with his ADHD but tended rather to paint VICTORIA as a problem.

VICTORIA also contends that the Nevada Courts holds that there is no time limit for motions to set aside void

judgments and also has stated that, "[i]f a judgment is void, a motion to set it aside may be brought at any time" pursuant to 60(b).

In addition, that pursuant to 60(b) VICTORIA seeks to set aside a void judgment for defective service since ATTORNEY DUCKWORTH contaminated the 2nd change of custody proceedings of Sarah with the 1st change of custody proceedings of Marco by violating EDCR 512(a).

VICTORIA further argues that this Court deliberately and purposely deprived VICTORIA and her children due process which the United States Supreme Court requires: "...notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections" *separately*, Peralta v. Heights Medical Center, Inc. (1988) 485 U.S. 80, 84-85. VICTORIA contends that the United States Supreme Court concluded: "Where a person has been deprived of property in a manner contrary to the most basic tenets of due process, 'it is no answer to say that in this particular case due process of law would have led to the same result because he had no adequate defense upon the merits."

VICTORIA contends that at this time ATTORNEY DUCKWORTH requests a psychiatric evaluation of the parties. VICTORIA would point out that CHARLES had previously requested her to attend an evaluation session with Dr. McCosh six (6) months prior to the Court Ordering a psychiatric evaluation in clear violation of EDCR 5.12(a). Clearly, CHARLES tries to entrap VICTORIA to get pre-evaluated prior to Judge Sanchez issuing any Court Order

for a psychiatric evaluation of the parties. Judge Sanchez Orders as follows:

Parties stipulated that MARCO will conclude the school year out at the Academy for Individualized Study, then attend summer school and then start Christian School at one of the three schools that will accept him beginning in the fall. Court so Ordered.
Mr. Duckworth and Defendant stipulated to 4 hours each for a total of 8 hours for the Evidentiary Hearing. Court so Ordered.

Mr. Duckworth. requested a psychiatric evaluation on Defendant and Plaintiff is willing to participate as well. Court provided both sides of the case with a copy of the Court's referral list of Court approved doctors. After further discussion, parties stipulated to a custody evaluation and a psychiatric evaluation and the parties will split the costs. Court so Ordered. Further, the evaluator is to be someone on the Court's referral list. After a discussion what doctors the parties did not wish to use, 3 names were left: Dr. Lyons, Dr. Lenkeit and Dr. Margolis. Plaintiff (sic) requested she be allowed to do some research on another therapist and provide their CV. Mr. Duckworth stated Plaintiff will not stipulate to or pay for anyone outside the Court's provider list. Court ADVISED Defendant may research it and submit a name to Mr. Duckworth of a therapist she prefers, however, if the parties do not stipulate on the evaluator, parties are to send the Court a letter and the Court will choose the therapist.
Argument regarding all other issues.
Court Ordered, Defendant's Motion for Mediation is ***MOOT*** *by virtue of the evaluation referral.*
Defendant's request to modify the Parenting Agreement is DEFERRED until the Evidentiary Hearing.
Defendant's request to correct the minute order from the March 9, 2005 hearing is MOOT.

Defendant's request for Family Mediation Center to conduct an investigation is DENIED and it is also rendered MOOT because the parties will have a custody evaluation and a psychiatric valuation with an evaluator.

VICTORIA challenges the constitutionality of the statute and argues that this Court abused its discretion when it Ordered a psychiatric evaluation of the parties. The parties had stipulated twice that VICTORIA had primary custody of the parties children memorialized in the Divorce Decree and Findings of Fact and Conclusions of Law thereby giving undue weight to the need for a psychiatric evaluation that was not initially defined [joint custody] but instead focused on the possibility that the parties must have psychological problems and the need for further psychiatric evaluation. VICTORIA contends that the NRS 125.480 is geared toward protecting the best interests of the children rather than evaluating parents' psychological problems and thereby controlling their behavior. VICTORIA further contends that the well-being of the children, not the conduct of the parent who had primary custody, is the focus of the statute, and that no specific conduct is prohibited. VICTORIA contends that "This court has made it clear that a court may not use changes of custody as a sword to punish parental misconduct; disobedience of court orders is punishable in other ways." Sims v. Sims, 109 Nev. 1146, 1148, 865 P.2d 328, 330 (1993).

VICTORIA challenges the constitutionality of the statutes and argues that this Court blatantly ignored the children's immediate need for independent mediation into issues of the

children's education and welfare and violated one of the statute's procedural requirements. This is a situation where the Court had information in its records from the educators which, if acted upon quickly, would have changed the educational approach used for Marco and Sarah much quicker increasing the amount of individualized tutoring and possibly beginning a remedial program much sooner. VICTORIA contends that this is a particularly troubling violation no one will ever know the extent to which this failure to act upon early intervention of the possibility of ADHD has seriously impaired Marco's ability to fully develop the skills to receive an education. Had the Court issued an Order for a psychiatrist to conduct an independent evaluation of Marco immediately [since CHARLES had first filed for a change of custody of Marco] these procedural violations, which prevented VICTORIA from learning critical medical information about Marco's ADHD rendered Dr. Mortillaro's recommendations and goals impossible. VICTORIA contends that had the parties received mediation first, it might have been tailored to the unique needs of each individual child since each child has different needs, different skills and a different time frame for effective counseling, tutoring and/or effective treatment. VICTORIA contends that this Court failing to include her in mediation to determine Marco's immediate need for counseling, tutoring and guidance in his education, prevented VICTORIA'S full and effective parental participation and guidance and violated constitutional procedural requirements. Town of Burlington v. Dept. of Educ., 736 F.2d 773, 783 (1st Cir. 1984). VICTORIA argues

that this Court's denial of arbitration at this juncture was critically important because it pit the children against VICTORIA in an adversarial position and now made this child custody case fault-based. By this Court denying VICTORIA mediation, this Court failed to protect the procedural rights of the children and parents which resulted in the children's loss of educational opportunities and seriously infringed upon VICTORIA'S opportunity to participate and guide her children in these same opportunities.

VICTORIA contends that an exception to the mootness doctrine is a violation of procedural due process. Judge Sanchez acts in bad faith and willful misconduct when she deliberately and with complete indifference disrupts the spirit of stability and continuity in Victoria's home and in the children's lives and disrupts the spirit of the agreement the parties reached embodied in the Stipulation and Agreement and Parenting Plan. Judge Sanchez was fully aware and deliberately commits willful misconduct when allowing ATTORNEY DUCKWORTH and CHARLES to file a motion on a parent/child issue when they had yet not first filed for mediation. VICTORIA challenges this Court's arbitrary and capricious discretion to moot mediation for the parties' children since early detection, early parental involvement, and early intervention into issues of their education and welfare was critical to the parties' children's ability to overcome any problems they might have had. This Court's failure to Order independent mediation for both children separately and to obtain an independent

evaluation into issues of the children's education and welfare violated the procedural due process rights of the best interests of the children standard and the presumption that joint custody would be in the best interest of the minor children.

VICTORIA challenges the constitutionality of the statute and argues that this Court's Order "*Defendant's request for Family Mediation Center to conduct an investigation is DENIED and it is also rendered MOOT...*" is directly against the best interest of the children standard pursuant to NRS 125.490 in that this Court would have no basis to award joint physical custody if it did not conduct an individualized investigation first to determine that Marco was living alone without parental supervision at the Country Club Towers; nor no basis to award joint legal custody if it did not conduct an individualized investigation to determine that Sarah was also living alone at the Country Club Towers. VICTORIA argues that the necessity of holding an individualized investigation prior to making a determination of a change of custody of Marco follows logically from the basic legal tenets of our justice system of due process of law. VICTORIA argues that the due process clause of the Constitution of the United States requires states to accord separate notice and an opportunity to be heard separately. VICTORIA argues that this Court violated a clearly established Nevada State law. VICTORIA further argues that Judge Sanchez' ruling that the parties have "joint custody" is an illusion. Neither party had "joint custody" since the children were living alone and

unsupervised without parental supervision at the Country Club Towers.

VICTORIA argues against this Court's custom, policies and pattern and practice that do not permit a separate determination on a case by case basis is bad policy. Statutory laws that protect the best interests of the minor children that do away with individualized investigations of the child and focus instead on early emancipation are also bad policy. VICTORIA further argues that due process clause of the Constitution of the State of Nevada requires a hearing before a child can be emancipated. VICTORIA argues that due process clause of the Constitution of the State of Nevada requires an individualized investigation before a child can be deprived of a relationship of love and duty in a family unit which is a liberty interest entitled to constitutional protection, Santosky v. Kramer, 455 U.S. 745, 753, 102 S.Ct. 1388, 71 L.Ed. 2d 599 (1982). VICTORIA further contends that the Supreme Court has repeatedly held that "some form of hearing is required before an individual is finally deprived of a property interest," and that a basic tenet of due process is the opportunity to be heard at a meaningful time and in a meaningful manner.'" Mathews v. Eldridge, 424 U.S. 319, 333, 96 S.Ct. 893, 47 L.Ed2d 18 (1976). This Court deliberately and with malice denied these children due process of law when it denied them individualized hearings based on individualized investigations prospectively and denied these children individualized hearings based on individualized

investigations retroactively and ultimately found them to be early emancipated.

VICTORIA argues that this Court dismisses Marco's interest in the accuracy of the Court's 1st determination since it failed to make an individual investigation and hearing and resulted in pitting this child directly against VICTORIA. VICTORIA argues that Marco has an interest in the outcome of his individualized investigation independent of that of VICTORIA and that SARAH has an interest in the outcome of her individualized investigation independent of that of both Marco and VICTORIA. The private interest at issue here is VICTORIA'S loss of her children - the loss of which has been held to constitute irreparable harm. To be sure, Marco and his parents share a vital interest in preventing an erroneous *termination* of their natural relationship.

VICTORIA further contends that when she tried *to protect her children*, the statute provides neither notice of the Court's intention to impose the sanctions allowed nor do they provide for mandatory individual investigation. And because the statute provides for no notice or mandatory individual investigation, the Court cannot determine actual malice on VICTORIA'S part and must instead be arbitrary and discriminatory in imposing excessive sanctions. The value of additional procedural safeguards is obvious. VICTORIA argues that this Court never afforded these children any procedural safeguards or protection and deliberately placed them in between a rock and a hard place. VICTORIA argues that to take such a highly

personal and fact-specific inquiry out of the hands of Family Court Judges violates procedural due process. Who in this case benefited from such a constitutionally offensive law? Certainly not the children who lost four years of their lives and the right to live with their mother.

VICTORIA further argues that this Court's deliberate failure to conduct an individualized investigation [pursuant to NRS 125.490, Joint Custody] prior to making an award of *joint physical* and *joint legal* custody in order to determine and verify the expenses CHARLES incurred at the Country Club Towers is bad policy and thereby rendering a reduction in child support obligations willful misconduct and an abuse of discretion. NRS 125.490 states in pertinent part:

> 1. There is a presumption, affecting the burden of proof that joint custody would be in the best interest of a minor child if the parents have agreed to an award of joint custody or so agree in open court at a hearing for the purpose of determining the custody of the minor child or children of the marriage.
> 2. The court may award joint legal custody without awarding joint physical custody in a case where the parents have agreed to joint legal custody.
> 3. For assistance in making a determination whether an award of joint custody is appropriate, the court ***may*** direct that an investigation be conducted.

VICTORIA also contends that the Nevada Legislature declares that pursuant to NRS 125.460 it is the policy of this State:

1. to ensure that minor children have frequent associations and a continuing relationship with both parents after the parents have become separated or have dissolved their marriage; and

2. to encourage such parents to share the rights and responsibilities of child rearing.

VICTORIA also contends that another exception to the mootness doctrine is a challenge on the constitutionality of the statute as a whole. VICTORIA argues that the statutory standard fails to channel the discretion of the Family Court Judge by specifying the factors on which it should rely in making its prediction because there are no procedural protections and because the ultimate decision is intrinsically arbitrary and uncontrolled. VICTORIA argues that it is quite distressing that this Court has the unbridled discretion to either refuse or agree to conduct an individualized investigation into matters paramount as to whether the minor children *were living alone without parental supervision* at the Country Club Towers before making a final determination that the parties have *joint legal* and/or *joint physical* custody pursuant to NRS 125.490. That it is quite disturbing that this Court has the unbridled discretion to either refuse or agree to conduct an individualized investigation into matters paramount as to whether the parties agreed to a parenting plan or visitation plan before making a final determination that the parties have *joint legal* and/or *joint physical* custody pursuant to NRS 125.490. In addition, VICTORIA argues that the parties had stipulated at the beginning of the divorce

pursuant to the final custody order that the instant matter was to be decided as an initial custody decision under the best interests of the child analysis. In addition, the parties stipulated on April 20, 1998, that "In the event that controversy arises, this Order of the Court shall remain in full force and effect, and *the parents are encouraged to resolve the controversy themselves or seek mediation prior to further hearings.*" On April 20, 1999, when Charles reduced custody of the minor children down from 3 weekends a month to 2 weekends a month, CHARLES again stipulated that VICTORIA retain primary custody.

VICTORIA further argues that Judge Sanchez purposefully and deliberately commits misconduct and abuses her discretion when she ignored the changed circumstances test which requires a *threshold showing of detriment* before a court may modify an existing final custody order that was previously based upon the child's best interest. The rule is based upon principles of res judicata. Burchard v. Garay (1986) 42 Cal. 3d 531, 535, 229 Cal.Rptr. 800, 724 P.2d 486. Judge Sanchez' deliberate and willful misconduct in failing to conduct an investigation interfered with the fulfillment of the children's need for the guidance and love of both parents and as a result had a serious effect on the welfare of the children in virtually removing VICTORIA from her children's lives. Kahn v. Kahn, 252 A.2d 901 (D.C. 1969).

ATTORNEY DUCKWORTH'S fraud upon the court is when he *sought to structure the style* of his motions in such a way so as to avoid this Court making an evaluation on its own unique facts and determination of a change of custody on a

case by case basis. Felix v. State, 109 Nev. 151, 173, 849 P.2d 220, 235 (1993). VICTORIA argues that the neglect of ATTORNEY DUCKWORTH is not excusable under Rule 60(b) because of a pattern of malice and gross negligence from the outset of this case, and that a due process problem arose and resulted from an inconspicuous and unclear notification which affected the outcome in this case similar to Pioneer Inv. Svcs. Co. v. Brunswick Assoc. Ltd. P'ship, 507 U.S. 380, 395 (1993).

VICTORIA contends that another exception to the mootness doctrine is further fraud upon the Court. In the change of custody proceedings of Marco, ATTORNEY DUCKWORTH states that it was Marco's *preference* that he wants to live with his father. In strict violation of the EDCR 5.12(a), ATTORNEY DUCKWORTH obtains Dr. McCosh's and Dr. Gruner's psychological evaluations of Marco prior to Judge Sanchez ever issuing an Order that a psychiatrist conduct a psychological evaluation of the parties and he cites and quotes directly from its contents in strict violation of EDCR 5.12(a). VICTORIA argues that ATTORNEY DUCKWORTH'S preparation of and participation in the concealment of the (2) psychological evaluations violates the Rules of Professional Conduct. "Because the courts of this state must rely upon the assistance of attorneys to ascertain the truth of matters before them, attorneys must be fair and forthright with the courts." Matter of Discipline of Mines, 523 N.W.2d 424, 426 (S.D. 1994). The Courts have further ruled that "it is professional misconduct for a lawyer to

engage in conduct involving dishonesty, fraud, deceit, or misrepresentation. Mines, 523 N.W.2d at 426.

VICTORIA contends that another exception to the mootness doctrine is further fraud upon the Court. VICTORIA argues that the change of custody proceedings of Marco is invalid due to myriad substantive and procedural defects. This Court failed to evaluate Marco's change of child custody proceedings on its own unique facts and on a *case by case basis and unlawfully combined the contaminated change of custody proceedings of Marco with the change of custody proceedings of Sarah.* VICTORIA contends that in Christy v. Carlisle, 94 Nev. 651, 654, 584 P.2d 687, 689 (1978), this court stated: "It is our underlying policy to have each case decided upon its merits." VICTORIA argues that the district courts have the inherent power to set aside judgments procured by extrinsic fraud. Lauer v. District Court, 62 Nev. 78, 140 P.2d 953.

VICTORIA argues that CHARLES is subject to Court Order(s) to inform VICTORIA when he left the jurisdiction leaving the children alone and without parental supervision and consequently this Court ignores the importance of NRS 125.480(4), "[i]n determining the best interest of the child, the court shall consider and set forth its specific findings concerning, among other things...(g) the physical, developmental and emotional needs of the child." In addition, CHARLES' affidavit constitutes substantial evidence in support of a change of custody which VICTORIA reasons and demonstrates her conviction that a modification

of child custody should never have been ordered in the first place. VICTORIA argues that CHARLES leaving Marco alone and without parental supervision at the Country Club Towers should have triggered the Court to conduct an individual investigation pursuant to NRS 125.490(3) which states as followed:

> 3. For assistance in making a determination whether an award of joint custody is appropriate, the court ***may*** direct that an investigation be conducted.

In addition, had this Court conducted an individual investigation and interviewed Sarah, her statements would have been adverse to CHARLES' and ATTORNEY DUCKWORTH'S representations that CHARLES was living solely with the children at the apartment at the Country Club Towers and her statements would have influenced this Court's decision.

VICTORIA challenges the constitutionality of NRS 125.490, Joint Custody in that the cases fail to give a single, well-defined definition for the terms joint legal custody and joint physical custody. VICTORIA contends that a reasonable person would question how this Court will go about applying the best interest of the children standard without first defining 'joint legal' or 'joint physical' custody. The common dictionary definition of joint custody is broad enough to include anyone who is sharing with another or others.

1. There is a presumption, affecting the burden of proof that joint custody would be in the best interest of a minor child if the parents have agreed to an award of joint custody or so agree in open court at a hearing for the purpose of determining the custody of the minor child or children of the marriage.
2. The court may award joint legal custody without awarding joint physical custody in a case where the parents have agreed to joint legal custody.
3. For assistance in making a determination whether an award of joint custody is appropriate, the court ***may*** direct that an investigation be conducted.

VICTORIA challenges the statute's constitutionality of NRS 125.490 in that it "lacks specific standards, thereby encouraging, authorizing, and even failing to prevent arbitrary and discriminatory enforcement." VICTORIA further argues that the concern under this vagueness test is the scope of discretion left to Judges. VICTORIA'S fear is that absent adequate guidelines, this statute permits a standardless sweep and allows Judges to pursue their own personal predilections.

From April 30, 2005 to May 1, 2005, although CHARLES rent was ongoing at the Country Club Towers, to keep up his deception, he still took the minor children to gaming casinos/hotels and placing the minor children at a greater physical risk of harm and allowing them to aimlessly hang out alone and without parental supervision.